IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 8471 OF 2005

Madhukar Manohar Prabhakar ...Applicant
Versus
State of Maharashtra ...Respondent

Mr.Harshal Palwe, for the Applicant.
Mr.K.V.Saste, A.P.P for the Respondent.

CORAM : S.C. DHARMADHIKARI, J.
DATE : DECEMBER 23, 2005.

P.C.:

. Heard Mr.Palwe appearing for the applicant and Mr.Saste appearing for the State.

2. It appears that the applicant and his son Hemant both filed application for being released in the event of their arrest in connection with C.R.No.403/2005 registered at Matunga Police Station., Mumbai. The offences alleged are under Sections 363, 342, 323, 328, 307 read with 34 of the Indian Penal Code.

3. It is not necessary to refer to the chequered history in this case because the application is liable to succeed on a short ground. The learned Additional Sessions Judge, in his order on the application for bail preferred by applicant's son being Bail

Application No.508/2005, has discussed the merits of the matter and has rendered a prima-facie opinion in Para No.6 of his order dated 12th December, 2005 that the victim's version has several weaknesses. On the principle of parity and on identical reasonings the father of the applicant before the Sessions Court should have been protected in the event of his arrest in the same C.R.. However, the applicant being the resident of Pune and the application for anticipatory bail being preferred before the Sessions Court at Bombay, it appears that, he did not remain present. The application was rejected only because the applicant has not attended the Court.

4. In the light of the averments in the application and finding at prima-facie stage by the learned Sessions Judge on the application preferred by the son of the present applicant, this application is allowed. Hence, following order :

i) In the event of the arrest of the applicant in connection with C.R.No.403/2005 registered with Matunga Police Station, Mumbai the applicant shall be enlarged on bail in the sum of Rs.20,000/- with one/two sureties in the like amount.

ii) Applicant shall attend Matunga Police Station Police Station as and when summoned.

iii) It is directed that the applicant will not enter the limits of Wadala Police Station and more particularly, near the place of residence of the victim, till the conclusion of the Trial.

iv) Bail is granted subject to the condition that applicant shall not directly make any inducement, threat or promise to any person acquainted with the facts of accusation against him so as to dissuade him from disclosing such facts to the Court or to the police officer/investigating agency. Applicant shall not tamper with the prosecution evidence.

v) Any observation made in this order shall not be construed as any finding or any expression of opinion on the merits of the case at the time of trial.

vi) This order will enure to the benefit of the applicant only till charge sheet is

filed. Thereafter he will be free to apply to the appropriate court for appropriate relief.

vii) Application disposed of in above terms.

viii) The parties to act upon an authenticated copy of this order.

(S.C.DHARMADHIKARI,J.)